

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

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**SEP 12 2003**

**PATRICK FISHER**  
Clerk

LARRY RUSSELL,

Plaintiff-Appellant,

v.

CHARLES COZART,

Defendant,

and

GEORGE VAUGHN; CRAIG  
COUNTY BOARD OF COUNTY  
COMMISSIONERS,

Defendants-Appellees.

No. 02-5189  
(D.C. No. 01-CV-953-H(M))  
(N.D. Okla.)

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**ORDER AND JUDGMENT \***

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Before **MURPHY** and **PORFILIO** , Circuit Judges, and **BRORBY** , Senior Circuit Judge.

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

After examining the briefs and appellate record, this panel has determined unanimously to grant the parties' request for a decision on the briefs without oral argument. *See* Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

After being sued by plaintiff Larry Russell, defendants Sheriff George Vaughn and the Board of County Commissioners of Craig County, Oklahoma, moved for summary judgment on Mr. Russell's federal and state law claims. In response to the motions for summary judgment, Mr. Russell failed to specifically controvert the factual statements of the movants in violation of Local Rule 56.1(B) of the United States District Court for the Northern District of Oklahoma. That rule provides "[a]ll material facts set forth in the statement of the movant shall be deemed admitted for the purpose of summary judgment unless specifically controverted by the statement of the opposing party." Because of this rule, the district court accepted as true each of the facts set forth in the motions and, after doing the analysis required by Fed. R. Civ. P. 56, granted summary judgment to both Sheriff Vaughn and the Board. <sup>1</sup> Mr. Russell appeals.

We review the grant of summary judgment de novo, applying the same standards as the district court. *Simms v. Okla. ex rel. Dep't of Mental Health &*

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<sup>1</sup> The district court certified the order for immediate appeal pursuant to Fed. R. Civ. P. 54(b).

*Substance Abuse Servs.* , 165 F.3d 1321, 1326 (10th Cir. 1999). After this plenary review, we affirm the district court for the reasons stated in its order of October 22, 2002.

The judgment of the district court is AFFIRMED. This court's Show Cause Order of November 25, 2002, is discharged.

Entered for the Court

John C. Porfilio  
Circuit Judge